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|    |  | SAP AG, SAP AMERICA, INC., and                         |
| 18 |  | TOMORROWNOW, INC.                                      |
| 19 | UNITED STATES  | S DISTRICT COURT                                       |
| 20 | NORTHERN DISTR   | RICT OF CALIFORNIA                                     |
| 21 | OAKLAND DIVISION   |  |
| 22 | ORACLE USA, INC., et al.,  | Case No. 07–CV–1658 PJH (EDL)                          |
| 23 | Plaintiffs,  | JOINT STATUS REPORT                                    |
| 24 | V.   | REQUIRED BY<br>JANUARY 4, 2010 ORDER                   |
| 25 | SAP AG, et al.,  |  |
| 26 | Defendants.  |  |
| 27 |  |  |
| 28 |  |  |
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| 1  | Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited, and  |  |  |
|--|--|--|--|
| 2  | Siebel Systems, Inc. (collectively, "Oracle") and Defendants SAP AG, SAP America, Inc., and  |  |  |
| 3  | TomorrowNow, Inc. (collectively, "Defendants," and with Oracle, the "Parties") submit this Joint   |  |  |
| 4  | Status Report pursuant to the Court's January 4, 2010 Order (Dkt. No. 588).  |  |  |
| 5  | Based on information Defendants received directly from Mr. Pulk prior to December 29,  |  |  |
| 6  | 2009, Defendants believe that the focus of Mr. Pulk's December 29, 2009 letter (Dkt. No. 587) to   |  |  |
| 7  | the Court is his complaint about an alarm (beeping noise) coming from one of TomorrowNow's   |  |  |
| 8  | servers located at a facility in Bryan, Texas that also houses other companies' servers. Prior to  |  |  |
| 9  | 9 Mr. Pulk's letter, Plaintiffs were unaware of this issue. Following t  | the Court's Order, the Parties   |  |
| 10   | met and conferred, and Defendants explained to Plaintiffs their beli   | ef regarding the origin of the   |  |
| 11   | alarm and stated their intention to make reasonable efforts to preserve the server at issue while  |  |  |
| 12   | performing the necessary maintenance to stop the alarm. Now that the alarm has been silenced,  |  |  |
| 13   | Defendants believe that the concerns addressed in Mr. Pulk's December 29, 2009 letter have been  |  |  |
| 1.4  | resolved and that no further action is required by the Parties in response to that letter.   |  |  |
| 14   | resolved and that no further action is required by the Parties in resp   | onse to that letter.   |  |
| 15   | 15   | onse to that letter.   |  |
|  | 15 16 DATED: February 2, 2010 JONES DAY  |  |  |
| 15   | 15 16 17 DATED: February 2, 2010 18 By: /s/ Scoor Scoo | cott W. Cowan<br>ott W. Cowan  |  |
| 15<br>16   | 15 16 DATED: February 2, 2010 JONES DAY  By: /s/So Sco Attorney  | cott W. Cowan  |  |
| 15<br>16<br>17   | DATED: February 2, 2010  DATED: February 2, 2010  By: /s/Sco Attorney SAP AG, SAF TOMOR  | cott W. Cowan<br>ott W. Cowan<br>ys for Defendants   |  |
| 15<br>16<br>17<br>18   | 15 16 17 18 18 19 20 DATED: February 2, 2010  JONES DAY  By: /s/ So  Sco  Attorney  SAP AG, SAF  TOMOR   | cott W. Cowan ott W. Cowan ys for Defendants P AMERICA, INC., and ROWNOW, INC.   |  |
| 15<br>16<br>17<br>18<br>19   | DATED: February 2, 2010  DATED: February 2, 2010  By: /s/Sco Sco Attorney SAP AG, SAF TOMOR  In accordance with General Order No. 45, Rule X, the above  | cott W. Cowan out W. Cowan ys for Defendants Out AMERICA, INC., and EROWNOW, INC. e signatory attests that   |  |
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